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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,039	03/29/2004	Chaitanya Kanojia	325464.17/MFCP.143786	1452
45809 7590 03/25/2009 SHOOK, HARDY & BACON L.L.P. (c/o MICROSOFT CORPORATION) INTELLECTUAL PROPERTY DEPARTMENT 2555 GRAND BOULEVARD KANSAS CITY, MO 64108-2613				
EXAMINER				
RUBIN, BLAKE J				
ART UNIT		PAPER NUMBER		
2457				
MAIL DATE		DELIVERY MODE		
03/25/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/812,039

Applicant(s)

KANOJIA ET AL.

Examiner

BLAKE RUBIN

Art Unit

2457

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is a response to communications filed on January 30, 2009.
2. Claims 1-16 are pending in this application. Claims 1, 11, and 14 are currently amended.
3. This application is a continuation of US Application No. 09/515,032, claiming benefit to provisional Application No. 60/185,202, filed on March 6, 2000.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shteyn (Patent No. 6,199,136) in view of Hylton et al (U.S. Patent 5,630,204, hereinafter Hylton).**

6. With respect to claim 1, Shteyn discloses a system for event driven content installation on a network device over a data network (column 2, lines 66-67; column 3, lines 1-24), the system comprising:

a network device (column 2, lines 32-34, *set top box*) detecting a change in a configuration of the network device (column 2, lines 66-67, column 3, lines 1-3) and

transferring information regarding the configuration change (column 3, lines 4-7, *obtain this information from the registry*);

a remote server receiving the information regarding the configuration change (column 3, lines 4-7, *registry*) and in response to the information received (column 8, lines 38-43, *state changes in the network*), searching a database for content (column 8, lines 38-43, *query a directory*) to be downloaded to the network device (column 7, lines 55-62, *uploaded bytecode*) corresponding to the configuration change (column 8, lines 38-43, *notify network 102 of events and state changes in network*) and supporting the configuration change to the network device (column 7, lines 14-18, *setting their properties*), by comparing the information received to content stored in the database (column 7, lines 37-40, *query interface*);

the remote server sending a message (column 4, lines 2-4) notifying the network device of a location of the content (column 3, lines 66-67; column 4, lines 1-4, *provides a directory service*) corresponding to the configuration change (column 8, lines 38-43, *state changes in the network*);

the network device requesting download (column 4, lines 35-36, *upload*) of the content at the location identified in the message (column 8, lines 38-43, *directory*);

the remote server downloading the content to the network device in response to the request (column 4, lines 36-37, *uploaded*).

But does not disclose two different network paths.

However, Hylton discloses a first network path transferring information regarding a configuration (column 22, lines 49-57, *out-of-band downstream signaling channel*)

and a second network path transferring content resulting from a configuration change (column 7, lines 36-40, *X.25 data network*; column 8, lines 25-29, *download executable program code*), whereby installation instructions are sent via the first path in parallel to the content transfer (column 22, lines 49-57, *controlling software*) with an event map that specifies events which trigger activation of the content downloaded (column 22, lines 49-50).

It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of Shteyn with the teachings of Hylton. The motivation to combine being, to increase the efficiency of the system by maintaining separate paths on which to transfer data pertaining to particular tasks.

7. With respect to claim 2, the combination of Shteyn and Hylton discloses the system of claim 1, Shteyn further discloses wherein the configuration change of the network device is an addition of hardware (column 3, lines 1-3) associated with the network device (column 7, lines 18-21).

8. With respect to claim 3, the combination of Shteyn and Hylton discloses the system of claim 2, Shteyn further discloses wherein the content is a driver (column 8, line 17), application program (column 3, line 25), configuration file (column 8, lines 12-17, *modifying operation is converted into a command*), registry data (column 3, lines 4-7) or promotion (column 3, lines 51-53, *advertise its capabilities*) associated with the

additional hardware (column 7, lines 12-18, *associated device*) and which corresponds to the configuration change (column 7, lines 12-18, *state change*).

9. With respect to claim 4, the combination of Shteyn and Hylton discloses the system of claim 1, Shteyn further discloses wherein the configuration change is a removal of hardware (column 3, lines 1-3) associated with the network device (column 7, lines 18-21).

10. With respect to claim 5, the combination of Shteyn and Hylton discloses the system of claim 4, Shteyn further discloses wherein an uninstall program for removal of software (column 2, lines 66-67; column 3, lines 1-3) associated with the removed hardware (column 7, lines 18-21).

11. With respect to claim 6, the combination of Shteyn and Hylton discloses the system of claim 1, Shteyn further discloses wherein the content is a driver (column 8, line 17), application program (column 3, line 25), configuration file (column 8, lines 12-17, *modifying operation is converted into a command*), registry data (column 3, lines 4-7) or promotion (column 3, lines 51-53, *advertise its capabilities*).

12. With respect to claim 7, the combination of Shteyn and Hylton discloses the system of claim 1, Shteyn further discloses the remote server comprises a bulk

download manager that downloads the content to the network device (column 7, lines 51-53, *call(s)*).

13. With respect to claim 8, the combination of Shteyn and Hylton discloses the system of claim 1, Shteyn further discloses wherein the remote server comprises a system manager (column 2, lines 66-67; column 3, lines 1-3, *event manager*) that receives the information regarding the configuration change (column 2, lines 66-67; column 3, lines 1-3, *changes in the network configuration*) and sends the message notifying the network device of the location of the content in the database (column 3, lines 66-67; column 4, lines 1-4, *provides a directory service*).

14. With respect to claim 9, the combination of Shteyn and Hylton discloses the system of claim 1, Shteyn further discloses wherein the network device comprises a system agent that detects the change in the configuration of the network device (column 7, lines 14-18, *state change*) and transfers information regarding the configuration change (column 7, lines 18-20, *a command is sent to the associated device*).

15. With respect to claim 10, the combination of Shteyn and Hylton discloses the system of claim 1, Shteyn further discloses wherein the network device comprises a bulk download agent that requests the download of the content (column 7, lines 51-53, *call(s)*).

16. With respect to claim 11, Shteyn discloses a method for event driven content installation on a network device over a data network (column 2, lines 66-67; column 3, lines 1-24), the method comprising:

detecting a change in a configuration (column 2, lines 66-67, column 3, lines 1-3) of a network device (column 2, lines 32-34, *set top box*);

transferring information regarding the configuration change (column 3, lines 4-7, *obtain this information from the registry*) to a remote server (column 3, lines 4-7, *obtain this information from the registry*);

receiving a message from the remote server (column 4, lines 2-4) that provides a location in a database (column 3, lines 66-67; column 4, lines 1-4, *provides a directory service*) of content which has been searched to locate content (column 8, lines 38-43, *query a directory*) in response to the information transferred (column 3, lines 4-7, *obtain this information from the registry*), wherein the located content corresponds to the configuration change (column 8, lines 38-43, *notify network 102 of events and state changes in network*), supports the configuration change to the network device (column 7, lines 14-18, *setting their properties*), and is downloaded to the network device;

downloading the content from the database location identified in the message (column 4, lines 36-37, *uploaded*).

But does not disclose two different network paths.

However, Hylton discloses a first network path transferring information regarding a configuration (column 22, lines 49-57, *out-of-band downstream signaling channel*)

and a second network path transferring content resulting from a configuration change (column 7, lines 36-40, *X.25 data network*; column 8, lines 25-29, *download executable program code*), whereby installation instructions are sent via the first path in parallel to the content transfer (column 22, lines 49-57, *controlling software*) with an event map that specifies events which trigger activation of the content downloaded (column 22, lines 49-50).

It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of Shteyn with the teachings of Hylton. The motivation to combine being, to increase the efficiency of the system by maintaining separate paths on which to transfer data pertaining to particular tasks.

17. With respect to amended claim 12, the combination of Shteyn and Hylton discloses the method of claim 11, Shteyn further discloses wherein the configuration change of the network device is an addition or removal of hardware (column 3, lines 1-3) associated with the network device (column 7, lines 18-21)

18. With respect to amended claim 13, the combination of Shteyn and Hylton discloses the method of claim 11, Shteyn further discloses wherein the content is driver (column 8, line 17), application program (column 3, line 25), configuration file (column 8, lines 12-17, *modifying operation is converted into a command*), registry data (column 3, lines 4-7) or promotion (column 3, lines 51-53, *advertise its*

capabilities) which corresponds to the configuration change (column 7, lines 12-18, *state change*).

19. With respect to amended claim 14, Shteyn discloses a method for event driven content installation on a network device over a data network (column 2, lines 66-67; column 3, lines 1-24), the method comprising:

receiving the information from a remote network device (column 2, lines 32-34, *set top box*; column 6, lines 58-59) regarding a change in a configuration (column 2, lines 66-67, column 3, lines 1-3) of the remote network device (column 2, lines 66-67, column 3, lines 1-3);

in response to the information received, searching a database to locate content (column 8, lines 38-43, *query a directory*), wherein the located content corresponds to the configuration change (column 8, lines 38-43, *notify network 102 of events and state changes in network*), supports the configuration change to the network device (column 7, lines 14-18, *setting their properties*), by comparing the information received to content stored in the database (column 7, lines 37-40, *query interface*), and is downloaded to the remote network devices;

sending a message to the network device (column 4, lines 2-4) including a location of the content (column 3, lines 66-67; column 4, lines 1-4, *provides a directory service*) corresponding to the configuration change (column 8, lines 38-43, *state changes in the network*);

receiving a request for a download of the content (column 4, lines 35-36, *upload*) at the location (column 8, lines 38-43, *directory*);

downloading the content to the remote network device in response to the request (column 4, lines 36-37, *uploaded*).

But does not disclose two different network paths.

However, Hylton discloses a first network path transferring information regarding a configuration (column 22, lines 49-57, *out-of-band downstream signaling channel*) and a second network path transferring content resulting from a configuration change (column 7, lines 36-40, *X.25 data network*; column 8, lines 25-29, *download executable program code*), whereby installation instructions are sent via the first path in parallel to the content transfer (column 22, lines 49-57, *controlling software*) with an event map that specifies events which trigger activation of the content downloaded (column 22, lines 49-50).

It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of Shteyn with the teachings of Hylton. The motivation to combine being, to increase the efficiency of the system by maintaining separate paths on which to transfer data pertaining to particular tasks.

20. With respect to claim 15, the combination of Shteyn and Hylton discloses the method of claim 14, Shteyn further discloses wherein the configuration change of the network device is an addition or removal of hardware (column 3, lines 1-3) associated with the remote network device (column 7, lines 18-21)

21. With respect to claim 16, the combination of Shteyn and Hylton discloses the method of claim 14, Shteyn further discloses wherein the content is a driver (column 8, line 17), application program (column 3, line 25), configuration file (column 8, lines 12-17, *modifying operation is converted into a command*), registry data (column 3, lines 4-7) or promotion (column 3, lines 51-53, *advertise its capabilities*) which corresponds to the configuration change (column 7, lines 12-18, *state change*).

Response to Arguments

22. Applicant's arguments filed January 30, 2009 have been fully considered but they are not persuasive.

23. With respect to claims 1,11, and 14 the applicant argues that the combination of Shteyn and Hylton fails to disclose, *the remote server downloading the content to the network device in response to the request, via the second network path, and in parallel, instructing the network device, via the first network path, how to install the content downloaded with an event map that specifies events which trigger activation of the content downloaded*.

24. The examiner respectfully disagrees. As put forth in the previous office action on October 30, 2008, and communicated the applicant's representative on January 14, 2009, the prior art of record expressly teaches the claimed limitations as currently amended by the applicant. Shteyn discloses a network device, in the form of a set top

box, which receives a download of content, in the form of uploaded bytecode (column 45, lines 35-38, whereby the set top box is now described as an *FAV*, and the bytecode is representative of content which resulted of a request initiated by a configuration change to the network device in the form of the *DCM*). The above transaction is accomplished via the X.25 data network of Hylton (column 7, 36-39), which discloses the second network path. The X.25 data network of Hylton is disclosed as a means for downloading executable program code (column 8, lines 25-28), in precisely the same manner as Shteyn, and as such the applicant's claims.

25. Along with the above disclosures of downloading content via a second network path, Hylton further discloses an alternate network, described by the applicant as the first network path, as an out-of-band downstream signaling channel (column 22, lines 50-54), which explicitly includes the event map of the instant invention, whereby Hylton describes such features as a *service map*. The service map of Hylton is described as providing logically connected profile of the content that each subscriber has access to in their respective DETs (column 22, lines 45-50). While Hylton also discloses such instructions for installing downloaded content, also which is sent via the out-of-band network path, by way of *controlling software and/or selection of certain channels or frames for decoding in interactive services* (column 22, lines 49-57), whereby the interactive services include the execution of software on the set top box.

Conclusion

26. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **BLAKE RUBIN** whose telephone number is (571) 270-3802. The examiner can normally be reached on M-R: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

3/17/09

/Rubin Blake/
Examiner, Art Unit 2457

/ARIO ETIENNE/
Supervisory Patent Examiner, Art Unit 2457